Florida Senate - 2001

By Senator King

	8-295-01
1	A bill to be entitled
2	An act relating to release of employee
3	information by employers; providing specified
4	requirements of employers with respect to a
5	background investigation of an applicant for
б	employment or appointment as a full-time,
7	part-time, or auxiliary law enforcement
8	officer, correctional officer, or correctional
9	probation officer; providing requirements
10	relating to an authorization to release
11	information; defining the term "employment
12	information"; providing for injunctive relief;
13	providing a presumption; providing for fees to
14	cover certain costs incurred by the employer;
15	providing an effective date.
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17	Be It Enacted by the Legislature of the State of Florida:
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19	Section 1. Release of employee information by
20	employers
21	(1)(a) When a law enforcement officer, correctional
22	officer, or correctional probation officer, or an agent
23	thereof, is conducting a background investigation of an
24	applicant for temporary or permanent employment or appointment
25	as a full-time, part-time, or auxiliary law enforcement
26	officer, correctional officer, or correctional probation
27	officer with an employing agency as defined in section
28	943.10(4), Florida Statutes, the applicant's current or former
29	employer, or the employer's agent, shall provide to the
30	officer or his or her agent conducting the background
31	investigation employment information concerning the applicant.
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CODING:Words stricken are deletions; words <u>underlined</u> are additions.

1 The investigating officer or his or her agent must present to the employer from whom the information is being sought 2 3 credentials demonstrating the investigating officer's employment with the employing agency and an authorization form 4 5 for release of information which is designed and approved by б the Criminal Justice Standards and Training Commission. 7 The authorization form for release of information (b) 8 must: 9 1. Be either the original authorization or a copy or 10 facsimile of the original authorization; 11 2. Have been executed by the applicant no more than 1 year before the request; 12 13 3. Contain a statement that the authorization has been 14 specifically furnished to the presenting law enforcement 15 agency; and 4. Bear the authorized signature of the applicant. 16 17 (2) As used in this section, the term "employment information" includes, but is not limited to, written 18 19 information relating to job applications, performance evaluations, attendance records, disciplinary matters, reasons 20 for termination, and eligibility for rehire, and other 21 information relevant to an officer's performance, except 22 information that any other state or federal law prohibits 23 24 disclosing. (3) This section does not require an employer to 25 26 maintain employment information other than that kept in the 27 ordinary course of business. (4) An employer's refusal to disclose information to a 28 29 law enforcement agency in accordance with this section 30 constitutes grounds for a civil action for injunctive relief 31 requiring disclosure on the part of the employer. 2

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(5) An employer who releases employment information pursuant to this section is presumed to have acted in good faith and is not liable for that action without a showing that the employer maliciously falsified the information. (6) An employer may charge a reasonable fee to cover the actual costs incurred by the employer in copying and furnishing documents to law enforcement agencies as required by this section. Section 2. This act shall take effect upon becoming a law. SENATE SUMMARY Provides specified requirements of employers with respect to a background investigation of an applicant for employment or appointment as a full-time, part-time, or auxiliary law enforcement officer, correctional officer, or correctional probation officer. Provides requirements with respect to an authorization to release information. Defines the term "employment information." Provides for injunctive relief and fees to cover costs of copying documents.

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